

4/9/07  
(3)

## **BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**March 12, 2007**  
**Acton Town Hall, Faulkner Hearing Room**

**7:00 P.M.**

Present: Chairman Foster, Andrew Magee, Lauren Rosenzweig, Peter Ashton and Mr. Hunter. The Town Manager and Assistant Town Manager were present. The meeting was televised.

### **CITIZENS' CONCERNS**

None

### **PUBLIC HEARINGS & APPOINTMENTS**

### **OPERATIONAL MINUTE –**

### **STREET ACCEPTANCE HEARING**

Bruce Stamski and Corey York made a presentation of the Streets that are to be accepted at the 07 Town Meeting. Andy spoke about the cash bond that must be completed by August 1st.

ANDREW MAGEE – Moved to accept as outlined in the memo prepared by Engineering.  
PETER ASHTON - second. UNANIMOUS VOTE.

### **CLASS I CAR DEALER'S LICENSE, 50 POWDER MILL ROAD, SUZUKI ANNEX, INC.**

Atty Nylen said that we pushed this meeting off because of street address issues. Garry said that there is no 54. Garry noted the only license that could be granted was a Non-Display. Mr. Nyland said they would be looking for Non-Display at 50 Powder Mill.

Andy asked about the statement in the application that this location had been used for parking from 1929. He did not want to have information go on the record as misinformation. Andy would like to strike, on the record, the statement in the application submitted by Mr. Bertolami.

Lauren asked about non-display license and which building would be associated with this non-display. Mr. Bertolami replied in the big barn with Tanning Salon and Prescott Interiors. The Non-display office is 500 sq. ft.

Walter asked about the Class I license at 60 Powder Mill Road. Walter asked the need for a non-display Bertolami said for internet sales.

Andy asked about order of conditions from Conservation that suggested future landscaped areas. Andy asked if this was mitigation for pavement. Mark Donohue said no.

DORE' HUNTER - Moved to close the hearing on this and review it. Motion withdrawn.

LAUREN ROSENZWEIG – Moved to continue this hearing with the Site Plan Hearing for Special Permit at 60 Powder Mill Road to March 26 at 8:20. DORE' HUNTER – second. UNANIMOUS VOTE.

**SITE PLAN SPECIAL PERMIT #02/19/03-388, 60 POWDER MILL ROAD, AUTOPLEX REALTY, LLC.**

Mark Donohoe spoke on behalf of Mr. Bertolami. He outlined the sidewalk and landscaping changes and realignment to provide additional spaces for display vehicles. Mark Donohoe will revamp the parking as per Garry Rhodes' comments. They will move spaces as noted in the Engineering Departments comments. They will revamp the plan and asked that the Town look at it and asked if stack parking is allowable.

Lauren noted another issue about the driveway and it is 27 feet instead of 24, and asked why it was designed that way. Lauren was concerned with the stacked parking that you only have a few rows that are not blocked by Customer Parking and how are you going to maneuver about the site. Leo said that they only have 3 cars on a usual day.

Andy also was concerned with the display cars and use of those cars by the employees.

Walter noted that the 56 and 60 are joined and would like to accommodate the use on the site. The Fire Chief was very concerned with the tightness of the site. Would the applicant consider joining the lots? Nylen said the intention is to tie those in with a ramp and it may be flood plan but could find a way to design it to the pleasure of Engineering Department and Building Inspector. The applicant would try to join it and it is their intention to do that.

Dore' asked about how many miles one of the vehicles is driven before it is considered used. They operate until 6,000 miles as demos.

Peter was concerned about the plan and it was to have 19 and now 27 cars. Peter did not think this plan could work. Peter thinks that the site is too congested.

Andy is having a problem about the number of cars parked in customer and employee parking we were told that everyone there gets a car to drive home. Last December they said they did not let the employees take the cars any further and now you say staff gets cars to drive. Andy said let's get the number of employees that get a car. Nylen said that it is 8 people. Nylen said that once they got the additional vehicles they again let the cars be used by employees.

Walter discussed the Fire Department's comments and this site just is not working. Walter was concerned we allow a permit on a site that cannot handle it. First, to combining the two sites. Walter sees we need to come back and have more process and what will the combined site look like and assurance in writing that the use of employees that have Demo vehicles and how it works on this site. Walter also asked about the crushed stone and assurance that it would not be used to park cars.

Dore' asked for list of who and how often they use the vehicles. Dore' wanted it in writing.

LAUREN ROSENZWEIG Moved to continue this hearing for Special Permit at 60 Powder Mill Road to March 26 at 7:20, along with the 56 Powder Mill Road Class I Dealers License already scheduled for 7:20, and then to continue both until 8:20 Pm. on March 26, 2007

## **SITE PLAN SPECIAL PERMIT #07/11/06-409, 288 MAIN STREET, EDWARD BRAVO**

Mark Donohoe discussed the connection between the two properties and discussed side walks. Mr. Bravo was concerned about the crossing on his property. He would have no control over use. Mark talked about street drainage that has been made larger. They don't think a connecting drainage pipe at the back of the units is appropriate.

Dore' said he agreed to not using his property to cross. Dore' was adamant about the sidewalk issue. On the other items he could be flexible.

Peter asked about the Historical Society house and distance to the site. Peter wanted to have something in the decision to address this. Don Johnson suggested we have the property surveyed before and after the blasting. Pete agreed with Dore' about the side walk.

Andy said we put in something about perchlorate in the blasting equipment. Andy also agreed with the importance of the sidewalk

Lauren felt that the side walks were important.

Donohoe asked about a bond for 10 years for the construction of the site, if the other sites are developed. Mr. Donohoe withdrew. Dore' noted that the MSDS did not have the Per-chlorate listed in blasting materials, and to be mindful of that.

Peter Coakly Historical Society he was dismayed about the blasting on the site. He was concerned about the Hosmer House damage and previous cracks. They will insist on a pre-blast survey.

DORE' HUNTER – Moved to take under advisement. PETER ASHTON – second.  
UNANIMOUS VOTE.

## **COMMITTEE INTERVIEW, ROLAND A. BOURDON III, ASSOCIATE MEMBER, PLANNING BOARD**

Lauren spoke about Master Plan and wondered with living in Town he was familiar with the Master Plan, and where does he see the town going. He wanted to keep it affordable to families and elderly. He commutes and wants parking to increase.

Andy commented on Master Plan and Open space and Recreation Plan and it will be a busy time for planning.

Dore' asked about his feelings on sidewalks. He feels they are important and sidewalks are a public safety concern. Dore' asked about density. He is in favor of open space.

Peter thanked him for coming forward to serve. DORE' HUNTER – Moved to appoint Mr. Bourdon as an - Associate Member, term to expire 6/30/07. PETER ASHTON – second.  
UNANIMOUS VOTE

## **PLANNING BOARD IN TO DISCUSS THEIR ARTICLES**

Greg Niemyski asked for questions from the Board. Lauren asked about cell tower changes and people are concerned that we may not want to go to the full 175 feet by special permit it

could be smaller or two smaller ones if desired. Greg said the object is to limit the number of sites but not the height to maximize the carriers on the one tower. The Bylaw says up to 175 feet and keeps the number of towers to a minimum.

Lauren asked about reconstructed homes on sites. It was noted that the Finance Committee was concerned that they re-built home would be too large. Greg explained that the houses on undersized non-conforming lots could not be rebuilt. Some times they need to be re-built rather than renovated for old plumbing and electrical. They would allow them to do so. They may only build the number of square feet in the previous house additions. The Planning Board has come up for a solution for someone with an undersized site is allowed to build up to the building size prior to the tear down.

Andy asked about the floor area ratio being larger. It is on the same lot so it can't be increased above the size of the building that was there before

Dore' spoke about the Cell Tower articles. Dore' asked if they had a map on where the cell towers could be located. Greg said no. Dore' asked about the Planning Board's firmness on the Citizen Petition Article.

## **SELECTMEN'S BUSINESS**

### **DRAFT DECISION, SITE PLAN SPECIAL PERMIT#09/15/06-410, 127, 129, 131 MAIN STREET, BLUE BIRD REALTY TRUST**

Lauren said she likes the way the decision is structured. She sees they have come up with solutions.

Andy echoed Lauren's comments regarding the use of the hall on Friday nights. He feels the pedestrian issues will be a challenge. Andy was not too sure about valet parking in Acton. Andy wanted to see 3.3 addressed to see if it is working instead of waiting until it does not work. Walter suggested we have the applicant provide a status update after the first year and up to three years.

Walter spoke about the town coming together to make this happen. He had questioned the 3.1 function hall this is the dance hall and the restaurant is on lower level. Peter said there still is a problem with parking.

Dore' spoke about the pattern of usage and a lot of people crossing on foot or a plan for a crossing guard.

Peter said that they had wanted 125 restaurant and a 200 seat Function Hall; they have 77 or 103 seats.

Mr. Babcock of the South Acton Congregational Church spoke about the need for Church parking.

ANDREW MAGEE – Moved to issue the decision as written with the addition to address annual reporting on parking. PETER ASHTON – second. UNANIMOUS VOTE.

## **DRAFT LANDFILL AREA GROUNDWATER PRE-DESIGN WORK PLAN**

Walter reviewed the Letter that was prepared for EPA. Don felt that after his review that it looked like it hit all areas of importance. Mary Michleman ACES agreed that our comments were on the same course as theirs. Mary noted that our letter had one mistake. Andy asked to have our consultant look into the enlarged capture noted by Mary. Andy asked about the odor and Grace says that they do the best they can, and by the time the smell reaches off the site, it is not harmful. Mary suggested we ask them to replace the filter more often. Don noted that we will have the consultant look at asking

PETER ASHTON - Approve with caveat that we discuss with the Consultant and ask if the capture area can be enlarged. LAUREN ROSENZWEIG – second. UNANIMOUS.

## **FIRST AMENDMENT TO PRESERVATION RESTRICTION AGREEMENT, IRON WORK FARM**

The Board discussed this Agreement. ANDREW MAGEE – Moved to Approve. PETER ASHTON – second. UNANIMOUS VOTE

## **INFORMATION ON RECREATIONAL USES IN EAST ACTON, MORRISON FARM AND CEMETERY DEPARTMENT**

Walter spoke about the Morrison Report. Peter noted he was not present at the last meeting, but felt it was a good plan. Peter supports this; we will be updating our Open Space Plan. He would like a priority list of needs for fields prepared.

Walter noted the expense for renovation consultant, Engineering for the bridge preliminary to connect to Bruce Freeman Rail Trail. Dore' wants engineering to see plans for at least one field. Dore' noted that the barn be torn down. Dore' said he would not allow funds to be spent unless we get one field. He also feels we not go into the Cemetery land. Dore' asked for an oversight meeting with the Cemetery. Walter had no problem with locating play fields if feasible. Andy discussed the need for the playing field, and wanted a feasibility study preformed.

Lauren talked about the efforts to balance the beauty of the field. She wanted to keep the barn with the view to the meadow. The bridge will help this to be accessed by many parts of town.

Dave Brown CPC member pointed out that recreation field is set aside and is in the time line. Ann Forbes asked about spending \$50,000. She wondered why CPA funds were returned to the Town and volunteers worked on the report. Ann asked if they would be going back to CPA for funds, Walter noted this is a warrant article and felt this project will be well studied.

Linda McElroy spoke about the barn and not destroying it. Linda also spoke about the active recreation on this site such as the Organic Farm.

Belle Choate wanted to clarify the issue. She noted she was not being critical, she further spoke about linkage to the site.

WALTER FOSTER – Moved to expend \$50,000 for an architectural I review of the horse barn, mapping of resources further to include the north connection bridge. DORE' HUNTER – second. UNANIMOUS VOTE.

## **DOG POLICY AT NARA PARK**

The Board discussed the Dog Policy at NARA Park. Don met with staff and noted NARA is the biggest problem next to the Arboretum. They feel that we can have a policy at NARA only that requires a leash for the next 6 to 8 months and they look at it again. We will put up signage about picking up after your dog and leash required. Peter agreed that this was a good first start. Dore', Andy and Lauren too agreed. PETER ASHTON – Moved to implement the Recreation Commission's suggestions as outlined in their memo, and look at it again in September of 07. LAUREN ROSENZWEIG – second. UNANIMOUS VOTE. Audience member Robert Lessard agreed with the approach.

## **REQUEST BY ROBBINS BROOK DEVELOPER TO RENAME TREVOR LANE TO JOHN FRANCIS LANE**

ANDREW MAGEE – Moved to Approve. DORE' HUNTER – second. UNANIMOUS VOTE.

## **OTHER BUSINESS**

Andy asked Bruce Stamski about the train idling at the South Acton Station and asked that the signs be installed. Pauline Knibbe asked about the idling of cars at the School when people are picking up their children.

## **BUDGET AND WARRANT DISCUSSION**

Walter reported on the Finance Committee meeting and ALG meeting this morning. They had a very lengthy presentation with the Finance Committee. At the end of the meeting they voted to recommend articles except for Morrison Farm, Traffic Design Study at Hayward and North Acton Fire Station. Walter noted Tom Tidman's comments on Morrison Land.

**HAYWARD ROAD MAIN STREET LIGHT DESIGN.** Walter spoke about Bill Mullin's memo about this and his concerns about the neighborhood if lights were installed. Walter discussed the outdated numbers by VHB. What would happen at Musket and the Neighborhood? Andy noted this was raised at budget Saturday; he spoke about not having lights. Andy has said we need a feasibility study. Dore' agreed with Andy. Dore' said it is not always that busy he doesn't think we need a 24 hour light. He felt we needed to balance and spend money to get a study; traffic is not going to get better.

Peter noted that it is no question that we need a light and suggested a 2 phase approach to do traffic study and we should be able to proceed with a design. Lauren thinks there is a need to include the stakeholders, make it part of the study to include them. She agrees that consultant will need to have public outreach. Walter agreed with the phased in approach. Don was asked about the traffic study, will they need separate money \$40 – or \$50,000 increase in Capital for the phased study. PETER ASHTON – Moved to increase the appropriation amount by \$40,000 for the two step phasing for the traffic study and outreach. ANDREW MAGEE – second. UNANIMOUS VOTE

**HEALTH INSURANCE** - John Murray has updated the Health Insurance we need \$65,000 additi8alan fund. We will need to adjust the budget. Don suggested we assume \$11,000 more from the school as discussed at ALG. We will have \$39,000 or so. Dore' doesn't think we

should rely or trust House money. PETER ASHTON – Moved to approve \$65,000 for insurance increase. ANDREW MAGEE – second. UNANIMOUS VOTE

**NORTH ACTON FIRE STATION** - Dore' discussed his conversation with Bob Evans. Dore said it will drive up costs for staffing. Andy said the summary was good, Lauren asked about the first year costs for Bonding and over 4 years. Peter asked if Fin COM supported. Pat said it was a long meeting and Bob Evans said the study would be helpful to the Fin Com. Pat noted that Bob was uncomfortable with the response times. Walter feels we need to take a look at citing it and slowing down take this in an incremental approach. Peter asked about the bonding and explained the how/why the \$440 is to be spent.

**ALG** Walter gave the board an overview of the meeting this morning and spoke about the Governor's Chapter 70 aid that we have a better effect on Acton than expected. What moneys should go where was discussed. Walter discussed the Draft Minutes of this morning. The School Committee will be looking to take Douglas Modulares and to pay for them out of the additional Funds instead of bonding. These will be discussed at the School Committee meeting on Thursday and we should contact them with our comments.

### **CONSENT AGENDA**

PETER ASHTON - Moved to accept the Consent Agenda as presented with an Extra Consent for use of the Faulkner Room. DORE' HUNTER - second. UNANIMOUS VOTE Dore' abstained from the vote for the Extra Consent Item.

"This Consent Agenda includes approval of Blanchard Place regulatory agreement and designation of ACHC as Monitoring agent for affordability and resales for both Blanchard and Davis Place." Copy of Agenda for March 12, 2007 Attached.

### **TOWN MANAGER'S REPORT**

### **EXECUTIVE SESSION**

LAUREN ROSENZWEIG –Moved to go into Executive Session for the purpose of discussing Litigation. All AYES. UNANIMOUS and Land acquisition All Ayes

---

Recording Secty

---

Clerk, Board of Selectmen

---

Date

---

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**  
**March 12, 2007**

**Faulkner Hearing Room, Town Hall**  
**7:00 PM**

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

1.   **7:02    OPERATIONAL MINUTE**  
The Town Manager will provide a brief report on topics of interest.
2.   **7:10    STREET ACCEPTANCE HEARING**  
Enclosed please find materials in the subject regard, for Board consideration.
3.   **7:25    CLASS I CAR DEALER'S LICENSE, 50 POWDER MILL ROAD, ACTON  
SUZUKI ANNEX, INC.**  
Enclosed please find materials in the subject regard, for Board consideration.
4.   **7:35    SITE PLAN SPECIAL PERMIT #02/19/03-388, 60 POWDER MILL ROAD,  
AUTOPLEX REALTY, LLC**  
Enclosed please find materials in the subject regard, for Board consideration.
5.   **7:50    SITE PLAN SPECIAL PERMIT #07/11/06-409, 288 MAIN STREET, EDWARD  
BRAVO (FOSTER)**  
Enclosed please find materials in the subject regard, for Board consideration.
6.   **8:10    COMMITTEE INTERVIEW, ROLAND A. BORDON III, PLANNING BOARD  
ASSOCIATE MEMBER**  
Enclosed please find materials in the subject regard, for Board consideration.
7.   **8:20    THE PLANNING BOARD WILL BE IN TO DISCUSS THEIR WARRANT  
ARTICLES**  
No Materials Enclosed

**III. SELECTMEN'S BUSINESS**

8.   **DRAFT DECISION, SITE PLAN SPECIAL PERMIT #09/15/06-410: 127, 129, 131  
MAIN STREET, BLUEBIRD REALTY TRUST**  
Enclosed please find materials in the subject regard, for Board consideration
9.   **DRAFT LANDFILL AREA GROUNDWATER PRE-DESIGN WORK PLAN**  
Enclosed please find materials in the subject regard, for Board consideration.



**10. FIRST AMENDMENT TO PRESERVATION RESTRICTION AGREEMENT, IRON WORK FARM**

Enclosed please find materials in the subject regard, for Board consideration.

**11. INFORMATION ON RECREATION USES IN EAST ACTON, MORRISON FARM AND CEMETERY DEPARTMENT**

Enclosed please find materials in the subject regard, for Board consideration.

**12. DOG POLICY AT NARA PARK**

No materials Enclosed

**13. REQUEST BY ROBBINS BROOK DEVELOPER TO RENAME TREVOR LANE TO JOHN FRANCIS LANE**

Enclosed please find materials in the subject regard, for Board consideration.

**14. BUDGET AND WARRANT DISCUSSION**

**15. OTHER BUSINESS**

**IV. CONSENT AGENDA**

**16. BOARD OF REGISTRARS OF VOTERS APPOINTMENT REQUEST**

Enclosed please find materials in the subject regard, for Board consideration.

**17. GEORGIA E. WHITNEY MEMORIAL FUND, REQUEST FOR FUNDING**

Enclosed please find materials in the subject regard, for Board consideration.

**18. BLANCHARD PLACE COMPREHENSIVE PERMIT PROJECT, REGULATORY AGREEMENT**

Enclosed please find materials in the subject regard, for Board consideration.

**19. ACTON CONSERVATION TRUST REQUEST FOR BOARD SUPPORT OF ACTON CLEANUP DAY**

Enclosed please find materials in the subject regard, for Board consideration.

**20. RECREATION COMMISSION, REQUEST FOR SUPPORT, OF A MASS CULTURAL COUNCIL FACILITIES GRANT**

Enclosed please find materials in the subject regard, for Board consideration.

**21. REQUEST TO USE THE TOWN COMMON FOR THE GARDEN CLUB ANNUAL PLANT SALE**

Enclosed please find materials in the subject regard, for Board consideration.

**22. ACCEPT GIFT, ACTON COMMUNITY HOUSING CORPORATION (ACHC)**

Enclosed please find a gift of \$7,500 in kind services from Mangel Architects, inc., located in Harvard, for Board consideration.

**23. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift valued at \$5,000, from radio station WAAF, to be used for the T.J. O'Grady Skate Park One-Year Opening Celebration, for Board consideration.

**24. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of a free concert on Friday, June 15, 2007 at NARA Park from the Liberty Big Band, an Air Force Jazz Band, for Board consideration

**25. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of tee-shirts for Earth Day valued at \$800.00, from Embroid Me of Chelmsford, for Board consideration.

**26. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of prizes valued at \$300.00 from Kitchen Outfitters of Acton for use as prizes at Earth Day, for Board consideration.

**27. ACCEPT GIFT, RECREATION COMMISSION**

Enclosed please find a gift of \$155.56 from O'Naturals, Inc., to offset expenses of the Acton Teen Repertory Theater productions, for Board consideration.

**28. MINUTES, BOARD OF SELECTMEN**

Enclosed please find materials in the subject regard, for Board consideration.

**29. EXECUTIVE MINUTES, BOARD OF SELECTMEN**

Enclosed please find non- public confidential materials in the subject regard, for Board consideration

**V. TOWN MANAGER'S REPORT**

**VI. EXECUTIVE SESSION**

We will require an Executive Session

**ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

**FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

**MARCH 26**

- Class 1 License 56 Powdermill Rd.
- Extended operational hours, Athletes Edge, 2 Craig rd.

## **GOALS**

1. Morrison Farm Development Recommendations, (Walter)
2. Monitor Labor Negotiations (Peter)
3. Policy Review/Improve Inter-Board Communications (Walter)
4. ALG Process to be used for purpose of Budget Planning for FY09 (Walter/Andy)
5. Middlesex Pension Alternatives (Peter)